



**Family and Medical Leave in
2012: Detailed Results
Appendix**

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Preface

This document is part of the document package for the Abt/DOL 2012 Employee and Worksite Surveys. That package includes:

- Final Report
- Methodology Report
- Public Use File

This document presents detailed results. In particular, it presents confidence intervals and observation counts for some of the results that are quoted but not presented in the text of the Final Report.

This document is organized in parallel with the main report. There is one chapter for each chapter of the main report; within each chapter, the sections also correspond to the sections in the main report. Each section of this appendix volume includes additional results corresponding to the section in the main report. It follows that some sections are empty. For clarity, even when the sections are empty (i.e., no additional tables) we maintain the additional headings.

Beyond this introductory material, this appendix volume contains little text. Corresponding text can be found in the main report volume.

1. Introduction

1.1 Background on the Family and Medical Leave Act (FMLA)

1.1.1 Changes in FMLA Policy since FMLA's Inception

1.1.2 Proposed Changes to FMLA Statute

1.2 The 2012 Surveys

1.2.1 2012 Employee Survey

Exhibit DR1.2.1 Demographic information on Employee Survey respondents, by categories presented in subsequent chapters

	All Average or % [95% CI]	Employees at covered firms Average or % [95% CI]	Employees at uncovered firms Average or % [95% CI]
Age			
18-33	34.2 [30.7-37.6]	28.5 [22.8-34.2]	40.4 [36.4-44.3]
34-49	34.8 [31.6-38.0]	39.2 [34.3-44.0]	30.1 [26.4-33.7]
50-82	31.0 [28.7-33.4]	32.4 [28.9-35.9]	29.6 [26.2-32.9]
Gender			
Female	49.1 [46.3-51.8]	48.7 [45.1-52.3]	49.5 [45.1-53.9]
Male	50.9 [48.2-53.7]	51.3 [47.7-54.9]	50.5 [46.1-54.9]
Education			
Less than High School Graduate and High School Graduate	36.5 [33.3-39.7]	31.0 [26.2-35.8]	42.6 [37.9-47.2]
Some College	29.8 [26.8-32.9]	28.4 [24.3-32.6]	31.4 [27.4-35.3]
College Graduate and Graduate School	33.7 [31.1-36.3]	40.6 [36.9-44.2]	26.1 [22.3-29.9]
Ethnicity			
Hispanic	14.1 [11.8-16.4]	12.2 [9.1-15.2]	16.2 [12.7-19.7]
Non-Hispanic	85.9 [83.6-88.2]	87.8 [84.8-90.9]	83.8 [80.3-87.3]
Race			
White	72.7 [70.4-75.0]	74.5 [71.1-77.8]	70.7 [66.6-74.8]
Non-White	27.3 [25.0-29.6]	25.5 [22.2-28.9]	29.3 [25.2-33.4]
Marital Status			
Married	54.2 [51.3-57.1]	58.2 [53.8-62.7]	49.7 [45.8-53.7]
Not Married	45.8 [42.9-48.7]	41.8 [37.3-46.2]	50.3 [46.3-54.2]

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	All Average or % [95% CI]	Employees at covered firms Average or % [95% CI]	Employees at uncovered firms Average or % [95% CI]
Region			
Northeast	19.0 [16.8-21.2]	18.2 [15.4-21.1]	19.9 [16.4-23.4]
South	36.2 [32.9-39.4]	35.7 [31.9-39.5]	36.7 [32.0-41.4]
Midwest	22.7 [20.3-25.0]	24.0 [20.8-27.3]	21.1 [17.4-24.8]
West	22.0 [19.1-24.8]	21.6 [17.5-25.8]	22.3 [18.8-25.8]
Children in Household			
0	57.2 [54.1-60.2]	56.4 [52.0-60.7]	58.0 [53.4-62.7]
1 or more	42.8 [39.8-45.9]	43.6 [39.3-48.0]	42.0 [37.3-46.6]
Income			
Less than \$35,000	26.9 [24.3-29.6]	18.9 [14.8-22.9]	36.5 [31.9-41.0]
\$35,000 to \$75,000	36.7 [33.5-39.9]	39.0 [34.6-43.4]	33.9 [29.7-38.1]
More than \$75,000	36.4 [33.3-39.4]	42.1 [38.2-46.0]	29.6 [24.9-34.3]
How respondent is paid			
Salaried	34.6 [31.8-37.4]	40.7 [37.3-44.0]	25.9 [22.1-29.6]
All others	65.8 [63.1-68.6]	60.0 [56.7-63.3]	74.4 [70.6-78.1]
Unweighted N:	2851	1713	1138

Source: Employee Survey D1, D4, D5, D6, D7, D10, D11, E9, ZIP.

Sample: Asked of all employees.

1.2.2 Characteristics of the Employee Sample

1.2.3 2012 Worksite Survey

1.2.4 Characteristics of the Worksite Sample

Exhibit DR1.2.2 Description of firms in sample by coverage

	All Average or % [95% CI]	Covered Average or % [95% CI]	Uncovered Average or % [95% CI]
Average number of employees at entire organization	144.7 [58.8-230.7]	769.4 [275.1-1263.8]	20.6 [9.5-31.7]
Industry			
Manufacturing	14.2 [11.4-17.0]	16.2 [5.6-26.8]	13.8 [11.3-16.3]
Retail	21.7 [17.3-26.2]	22.2 [11.1-33.3]	21.6 [15.9-27.3]
Service	29.4 [24.5-34.3]	19.5 [10.0-29.1]	31.4 [25.1-37.7]
Other	34.7 [31.2-38.2]	42.1 [24.5-59.6]	33.2 [27.3-39.1]
Percent of employees who worked at organization for at least one year.	84.1 [81.6-86.7]	80.9 [74.9-86.9]	84.8 [81.6-88.0]
Of employees who have worked at organization for at least one year, percent who have worked at least 1250 hours	63.8 [60.7-66.9]	47.5 [41.2-53.9]	67.2 [62.5-71.9]
(%) Unionization	1.9 [0.3-3.4]	2.0 [1.1-2.8]	1.9 [-0.0-3.7]
(%) Female	47.9 [45.3-50.5]	50.2 [40.2-60.2]	47.4 [44.5-50.4]
Increments that employees record their time (note these categories are not mutually exclusive):			
Report time in minutes	24.6 [20.4-28.8]	43.3 [35.5-51.2]	20.9 [16.3-25.5]
Report time in hours	46.3 [41.0-51.6]	61.8 [51.9-71.7]	43.2 [37.4-49.0]
Not required to report time	36.8 [30.9-42.7]	13.5 [5.7-21.3]	41.5 [35.3-47.6]
Don't Know/Refused	0.0 [-0.0-0.1]	0.1 [-0.0-0.3]	0.0 [-0.0-0.0]
Census region			
Northeast	18.8 [15.6-22.0]	13.7 [6.0-21.5]	19.8 [16.4-23.2]
South	33.7 [29.8-37.6]	29.6 [19.0-40.2]	34.5 [29.3-39.6]
Midwest	20.3 [16.9-23.7]	23.9 [15.4-32.3]	19.6 [15.6-23.6]
West	27.2 [20.9-33.4]	32.8 [19.4-46.3]	26.1 [19.1-33.0]
Don't Know/Refused	0.0 [-0.0-0.0]	0.0 [0.0-0.0]	0.0 [-0.0-0.0]
Unweighted N:	1,812	988	824

Source: Worksite Survey Q1, Q4, Q6, Q7, Q8, Q9 Q10, Screener.

Sample: Asked of all employers.

1.2.5 Changes in the Survey Focus from 2000

1.3 Notes on Discussion and Language

1.4 Structure of this Report

2. FMLA Coverage and Eligibility

2.1 Covered Firms in the Sample

Exhibit DR2.1.1 Cross tabulation of sites' self-reported and imputed coverage of FMLA

	Coverage of FMLA by imputation		Total
	Covered	Uncovered	
Self-reported coverage of FMLA by worksites			
FMLA applies to firm	850	138	988
FMLA does not apply to firm/unsure/don't know/refused	109	715	824
Total (unweighted Ns)	959	853	1812

Source: Worksite Survey Q1, Q2, Q3, Q17.

Coverage imputation: 50 employees at all of the organization's worksite

Sample: Asked of all worksites.

Exhibit DR2.1.2 Simulation of reducing the FMLA employee threshold

	Weighted by worksite		Weighted by employees at worksite	
	Worksites with 50 or more employees across all worksites % [95% CI]	Worksites with 25 or more employees across all worksites % [95% CI]	Worksites with 50 or more employees across all worksites % [95% CI]	Worksites with 25 or more employees across all worksites % [95% CI]
All worksites	100.0 [100.0-100.0]	64.1 [54.3-73.8]	100.0 [100.0-100.0]	89.4 [84.2-94.6]
Industry:				
Manufacturing	17.5 [10.3-24.7]	14.8 [10.2-19.4]	11.8 [6.0-17.6]	11.8 [6.7-17.0]
Retail	28.0 [14.6-41.4]	28.1 [20.3-35.8]	25.8 [8.1-43.6]	25.9 [11.1-40.7]
Service	20.1 [12.8-27.3]	20.5 [13.4-27.5]	17.0 [4.6-29.4]	17.1 [5.9-28.3]
Other	34.4 [20.4-48.4]	36.6 [28.3-45.0]	45.4 [30.2-60.7]	45.2 [31.9-58.4]
Unweighted N: 1,812	959	1190	959	1190

Source: Worksite Survey Q2, Q3, Q4

Sample: This table is a simulation of all employers' responses.

Exhibit DR2.1.3 Cross tabulation of sites' self-reported and imputed coverage of FMLA

	Weighted by worksite	Weighted by employees at worksite
Of sites that self-reported being covered by FMLA		
Imputed covered	44.3%	99.0%
Imputed not covered	55.7%	1%
Of sites that we imputed were covered by FMLA		
Self-reported coverage	75.4%	91.1%
Self-reported unsure	11.5%	5.2%
Self-reported not covered	13.0%	3.7%
Of sites that we imputed were NOT covered by FMLA		
Self-reported coverage	10.2%	20.8%
Self-reported unsure	31.8%	34.2%
Self-reported not covered	58.0%	45.0%

Source: Worksite Survey Q1, Q2, Q3, Q17.

Coverage imputation: 50 employees at all of the organization's worksite

Sample: Asked of all worksites.

Exhibit DR 2.1.4 Worksites that are covered by FMLA

	2012 %	2000 %	1995 %
Self-reported coverage of FMLA by worksites			
FMLA applies to firm	16.6 [10.5-22.7]	10.8 [8.3-13.3]	10.8 [8.5-13.1]
FMLA does not apply to firm	53.6 [48.1-59.1]	89.2 [86.7-91.7]	89.2 [86.9-91.5]
Not sure if FMLA applies	29.7 [23.7-35.7]	N/A	N/A
Don't know/Refused	0.1 [-0.0-0.2]	N/A	N/A
Firm's imputed coverage of FMLA			
Coverage due to 50 employees at all of the organization's worksites	9.7 [7.2-12.3]		
Unweighted N:	1,812	1,801	1,206

Source: 2012 Worksite Survey Q2, Q3, Q17. 1995 and 2000 data were from Table A1-3.1 in the 2000 report.

2012 Sample: Asked of all employers.

2.2 Eligible Employees in the Sample

2.3 Employees' Knowledge and Awareness of FMLA

2.4 Qualifying Reasons for Leave

Exhibit DRV 2.4.1 Worksites that allow leave for a qualifying FMLA reason, 2000 Results

Worksites that allow leave for any of the following qualifying FMLA reasons	All worksites				Covered firms				Uncovered firms			
	Allows leave % [95% CI]	Depends on circumstances % [95% CI]	Does not allow leave % [95% CI]	DK % [95% CI]	Allows leave % [95% CI]	Depends on circumstances % [95% CI]	Does not allow leave % [95% CI]	DK % [95% CI]	Allows leave % [95% CI]	Depends on circumstances % [95% CI]	Does not allow leave % [95% CI]	DK % [95% CI]
For an employee's own serious health condition	69.2 [62.7-75.7]	11.5 [7.1-15.9]	19.3 [14.2-24.4]	N/A	91.9 [85.3-98.5]	5.3 [-1.1-11.7]	2.8 [0.5-5.1]	N/A	66.4 [59.3-73.5]	12.2 [7.4-17]	21.3 [15.5-27.1]	N/A
For a pregnancy-related reason	68.8 [62.8-74.8]	10.1 [6.2-14]	21.0 [15.3-26.7]	N/A	94.1 [91.2-97]	2.5 [1.1-3.9]	3.4 [0.9-5.9]	N/A	65.7 [59.1-72.3]	11.1 [6.8-15.4]	23.2 [16.8-29.6]	N/A
For the care of a newborn	54.5 [47.9-61.1]	15.1 [10.6-19.6]	30.4 [25-35.8]	N/A	87.8 [80.4-95.2]	7.2 [0.8-13.6]	5.1 [1.9-8.3]	N/A	50.5 [43.7-57.3]	16.1 [11-21.2]	33.5 [27.5-39.5]	N/A
For an adoption or foster care placement	48.1 [41.1-55.1]	19.2 [15-23.4]	32.7 [26.3-39.1]	N/A	85.7 [77.8-93.6]	7.7 [1.2-14.2]	6.6 [2.7-10.5]	N/A	43.5 [35.6-51.4]	20.6 [16-25.2]	35.9 [28.8-43]	N/A
For the care of a child, spouse or parent with a serious health condition	60.6 [54-67.2]	12.9 [8.5-17.3]	26.6 [20.7-32.5]	N/A	88.6 [81.3-95.9]	6.8 [0.3-13.3]	4.6 [1.7-7.5]	N/A	57.1 [50-64.2]	13.6 [8.7-18.5]	29.3 [22.9-35.7]	N/A
For care of a parent or spouse who is elderly	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
For the care of a military service member with a serious injury or illness	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
For reasons related to the deployment of a military service member	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Worksites that allow leave for any of the above qualifying FMLA reasons	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Worksites that allow leave for all of the above qualifying FMLA reasons	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Unweighted N:												

Source: 2000 Report Table A1-5. Comparable results asked in 2012 Worksite Survey Q16.

Cells with "N/A" indicate that the data were not reported in the 2000 Report.

2.5 Other Terms of Employment

3. Worksites' FMLA and other Leave Policies

3.1 Who is Considered Eligible

3.2 Worksites' FMLA Notification Provisions

3.3 Administering FMLA

Exhibit DR3.3.1 Changes in covered worksites' costs of complying with FMLA over years, in 2000 and 2012

Change in complying with different aspects of FMLA over the years	2012 Survey				2000 Survey		
	Increased %	Decreased %	No change %	DK/refused %	Increased %	Decreased %	No change %
Administrative costs	31.5 [20.4-42.5]	0.2 [-0.1-0.6]	65.9 [55.3-76.6]	2.4 [1.0-3.7]	43.4 [33.8-53]	N/A	56.6 [47-66.2]
Cost of continuing benefits during leave	31.7 [24.7-38.7]	0.1 [-0.0-0.2]	65.4 [58.5-72.3]	2.8 [1.4-4.3]	28.1 [18.6-37.6]	N/A	71.8 [62.3-81.3]
Hiring/training costs	24.8 [14.8-34.8]	0.1 [-0.0-0.1]	70.6 [61.1-80.0]	4.6 [1.1-8.1]	22.5 [8.4-36.6]	N/A	77.4 [63.3-91.5]
Other costs	4.1 [0.2-8.1]	0.1 [-0.0-0.2]	3.8 [2.1-5.5]	92.0 [87.6-96.4]	N/A	N/A	N/A
Any other costs	0.7 [0.1-1.3]	0.0 [0.0-0.0]	3.9 [2.2-5.7]	95.4 [93.4-97.3]	N/A	N/A	N/A

Source: 2012 Worksite Survey Q49; 2000 Report Table A2-6.14.

2012 Sample: Asked of worksites who self-report that they are covered by the FMLA. Weighted by worksite.

Cells with "N/A" indicate that the data were not reported in the 2000 Report.

4. Employees' Leave Taking Practices

4.1 Prevalence of Leave

4.2 Number of Leaves Taken for a Qualifying FMLA Reason

4.3 Duration of Leave

4.4 Reason for Taking Leave

4.5 Intermittent Leave

4.6 Leave for a Qualifying FMLA Reason at Covered Worksites

4.7 Leave for a Qualifying FMLA Reason at Non-Covered Worksites

5. Conditions of Leave Before, During and After Taking Leave

5.1 Notice Prior to Leave

5.2 Medical Certification and Recertification of Need for Leave

5.3 Pay and Benefits While Taking Leave

5.4 Fitness-for-Duty Certification before Return to Work

Exhibit DR5.4.1 Fitness-for-duty requirements reported by employees

	% [95% CI]
Employer required fitness-for-duty certification	44.4 [38.9-49.8]
Unweighted N:	677

Source: Employee Survey A60.

Sample: Among those with any leave in the past 12 or 18 months.

Exhibit DR5.4.2 Fitness-for-duty requirements reported by worksites

Payer for certification visits	50/75 worksites				Covered worksites			
	Employer %	Employee %	Employee's insurance %	Other %	Employer %	Employee %	Employee's insurance %	Other %
Weighted by employees at worksite								
Fitness-for-duty certification	24.1 [7.8-40.4]	50.0 [33.4-66.7]	26.7 [15.3-38.0]	1.3 [0.5-2.2]	23.3 [8.3-38.3]	48.3 [33.0-63.5]	28.9 [18.2-39.7]	1.5 [0.7-2.3]
Unweighted N:	782				925			
Weighted by worksite								
Fitness-for-duty certification	12.6 [2.4-22.8]	47.3 [28.0-66.6]	31.6 [17.8-45.5]	1.4 [0.4-2.4]	18.0 [7.6-28.4]	35.6 [25.4-45.7]	40.0 [32.5-47.4]	3.6 [-0.8-8.0]
Unweighted N:	782				925			

Rows may sum to >100% since respondent could select more than one category

Source: Worksite Survey Q39

Sample: Asked of worksites who self-report that they are covered by the FMLA

5.5 Return to Work After Leave

6. Employee's Unmet Need for Leave

6.1 Leave Needed But Not Taken

6.2 Number of Leaves Needed But Not Taken

6.3 Reasons for Needing Leave

Exhibit DR6.3.1 Medical Reasons for unmet need for leave in the past 18 months: 2012, 2000, 1995

	2012			2000	1995
	All employees with unmet need for leave % [95% CI]	Eligible and covered employees % [95% CI]	All other employees with unmet need for leave % [95% CI]	All employees with unmet need for leave* % [95% CI]	All employees with unmet need for leave* % [95% CI]
Medical reasons for needing leave in last 18 months					
Own illness	51.0 [43.9-58.0]	55.6 [47.0-64.2]	45.8 [35.7-55.9]	48.1 [40.4-55.8]	47.7 [39.3-56.1]
Related to a new child	13.3 [6.3-20.2]	4.4 [1.5-7.3]	23.3 [10.3-36.2]	9.3 [7.6-11]	9.3 [8.3-10.3]
Parent's, spouse's or child's health condition*	36.9 [30.1-43.8]	41.0 [32.4-49.5]	32.4 [21.8-43.1]	51.2	49.0
Other relative's health condition	0.6 [-0.1-1.3]	0.6 [-0.2-1.4]	0.6 [-0.6-1.7]	N/A	N/A
Other non-relative's health condition	0.2 [-0.1-0.6]	0.5 [-0.2-1.1]	0.0 [0.0-0.0]	N/A	N/A
Domestic partner's health condition	0.0 [0.0-0.0]	0.0 [0.0-0.0]	0.0 [0.0-0.0]	N/A	N/A
Address issue of military member's deployment	0.7 [-0.3-1.7]	1.3 [-0.5-3.2]	0.0 [0.0-0.0]	N/A	N/A
Don't know/Refused	1.1 [-0.5-2.6]	0.8 [-0.7-2.2]	1.4 [-1.4-4.3]	N/A	N/A
Unweighted N:	385	221	164	115	109

Column may sum to >100% since respondent could select more than one category.

*The 2000 Report reported these categories individually.

Source: 2012 Employee Survey B6; 2000 Report Table A1-2.16.

Sample: Employees with unmet need for leave in the past 18 months.

Cells with "N/A" indicate that the data were not reported in the 2000 Report.

Exhibit DR6.3.2 Unmet need for leave that requires medical attention

	Most recent in past 12 months % [95% CI]	Longest in past 18 months % [95% CI]
Condition required a doctor's care	92.1 [88.0-96.2]	87.2 [80.4-93.9]
Condition required an overnight stay at a hospital	37.1 [30.5-43.6]	36.1 [30.1-42.2]
Unweighted N	293	382

Source: Employee Survey B12, B13

Sample: Employees with unmet need for leave in the past 12 months.

6.4 Reasons for Not Taking Leave

Exhibit DR6.4.1 Non-medical reasons for not taking leave in the past 18 months by eligibility

Reason needed leave was not taken by employee	All employees with unmet need for leave % [95% CI]	Eligible and covered employees % [95% CI]	All other employees with unmet need for leave % [95% CI]
You thought you might lose your job	18.5 [11.4-25.6]	15.3 [8.8-21.7]	22.1 [9.7-34.5]
You thought you would lose your seniority or potential for job advancement	2.5 [0.6-4.4]	3.9 [1.0-6.7]	1.0 [-0.3-2.4]
You were ineligible	2.7 [1.0-4.4]	2.0 [0.3-3.7]	3.5 [0.3-6.6]
Your worksite denied your request	5.3 [2.5-8.2]	5.4 [1.1-9.8]	5.2 [1.6-8.8]
You couldn't afford to take an unpaid leave	44.2 [37.1-51.2]	44.9 [37.8-52.0]	43.4 [31.2-55.5]
You wanted to save your leave time	3.2 [1.0-5.3]	2.8 [0.6-4.9]	3.6 [-0.4-7.7]
Your work is too important	5.2 [2.6-7.7]	4.4 [1.8-7.1]	6.0 [2.0-10.0]
You were worried about revealing personal information about yourself, your care recipient, or family relationships	0.7 [-0.1-1.6]	1.2 [-0.4-2.8]	0.2 [-0.2-0.6]
You thought you would be treated differently because of the reason you needed to take leave	2.1 [0.9-3.2]	2.0 [-0.0-4.0]	2.2 [-0.3-4.7]
You thought that the person you wanted to take leave to care for was not considered a covered family member	1.0 [-0.8-2.9]	2.0 [-1.5-5.5]	0.0 [0.0-0.0]
You thought that the health condition did not qualify	0.7 [-0.0-1.4]	0.6 [-0.3-1.4]	0.8 [-0.3-1.9]
Your worksite's process for taking leave was too complicated	0.7 [-0.1-1.5]	1.3 [-0.2-2.8]	0.0 [0.0-0.0]
You were unable to meet your worksite's notice requirement for taking leave	0.7 [-0.1-1.6]	0.5 [-0.5-1.4]	1.0 [-0.5-2.5]
You were unaware of the availability of leave	0.5 [-0.3-1.3]	1.0 [-0.5-2.5]	0.0 [0.0-0.0]
Other reason	26.5 [21.3-31.6]	27.2 [20.7-33.7]	25.6 [16.5-34.8]
Unweighted N:	385	221	164

Column may sum to >100% since respondent could select more than one category

Source: Employee Survey B15

Sample: Employees with unmet need for leave in the past 18 months.

6.5 Actions in Lieu of Leave

7. Sub-population Analyses

7.1 Leave for Military Personnel

The Employee Survey asked separate questions about leave taken or needed to take to care for a military service member for a service-related injury and leave for deployment of military service members.¹

Less than 2 percent of employees report taking leave related to the military deployment of a family member in the past 18 months. This is only about 16 respondents. In light of the small sample, analyses of this subgroup need to be interpreted with care. We report the results, but do not discuss them.

¹ See Employee Survey A5=7, A9, B6=17, and B10

Exhibit DR7.1.1 Prevalence and characteristics of leave taken for deployment of a military service member in the past 18 months

	% [95% CI]
Among all leave taken, percent taken to address issues arising from the deployment of a military member	1.6 [0.4-2.7]
Type of deployment issue:*	
Events or activities sponsored by the military before deployment	17.6 [-4.7-39.8]
Childcare or school activities	0.0 [0.0-0.0]
Financial or legal arrangements	6.2 [-6.7-19.1]
Non-medical counseling	0.0 [0.0-0.0]
Short-notice deployment	5.1 [-4.6-14.7]
Events or activities sponsored by the military after the military member returned	20.2 [-1.7-42.0]
Issues arising from the death of the military member	0.0 [0.0-0.0]
Other Reason related to military leave	56.0 [24.6-87.5]
Don't know/Refused	0.0 [0.0-0.0]
Relationship of military personnel to employee respondent	
Spouse	30.2 [3.2-57.2]
Parent	2.4 [-2.4-7.2]
Son or Daughter	4.8 [-2.2-11.8]
Next of Kin	2.5 [-2.7-7.8]
Other relationship	60.1 [30.4-89.7]
Don't know/Refused	0.0 [0.0-0.0]
Unweighted N:	16

*Column may sum to >100% since respondent could select more than one category

Source: Employee Survey A5a, A9a

Sample: Asked of employees who took leave in the past 18 months for the deployment of a military service member.

Unmet need for leave related to a military member's deployment is even rarer, less than 1 percent (0.7%; Exhibit DR7.1.2). Given that there are only two cases, we do not discuss the results.

Exhibit DR7.1.2 Prevalence and characteristics of leave needed but not taken for deployment of a military service member in the past 18 months

	% [95% CI]
Among all leave needed but not taken, percent to address issues arising from the deployment of a military member	0.7 [-0.3-1.6]
Type of deployment issue: *	
Events or activities sponsored by the military before deployment	42.0 [-3.6-87.7]
Childcare or school activities	42.0 [-3.6-87.7]
Financial or legal arrangements	42.0 [-3.6-87.7]
Non-medical counseling	42.0 [-3.6-87.7]
Short-notice deployment	42.0 [-3.6-87.7]
Events or activities sponsored by the military after the military member returned	0.0 [0.0-0.0]
Issues arising from the death of the military member	0.0 [0.0-0.0]
Other reason related to military leave	58.0 [12.3-103.6]
Don't know/Refused	0.0 [0.0-0.0]
Relationship of military personnel to employee respondent	
Spouse	0.0 [0.0-0.0]
Parent	58.0 [12.3-103.6]
Son or daughter	0.0 [0.0-0.0]
Next of kin	0.0 [0.0-0.0]
Other relationship	42.0 [-3.6-87.7]
Don't know/Refused	0.0 [0.0-0.0]
Unweighted N:	2

*Column may sum to >100% since respondent could select more than one category

Source: Employee Survey B6a, B7

Sample: Asked of employees who needed but did not take leave to address issues arising from the deployment of a military member in the past 18 months.

The 2008 Regulations also implemented the 2008 NDAA protections for family members caring for injured service members. The Employee Survey included questions about such leave, but like leave related to deployment, few of the surveyed employees report taking leave to care for a military service member's service-related health condition/injury in the past 18 months: just 1.5 percent of all respondents, only 8 cases. Exhibit DR7.1.3 lists the relationship of the military member to the leave taker, but we do not discuss them.

Exhibit DR7.1.3 Prevalence of leave taken to care for a military service member in the past 18 months

	% [95% CI]
Among all leave taken, percent taken to care for a military service member's service-related health condition/injury	1.5 [0.0-2.9]
Relationship of military personnel to employee respondent	
Spouse	69.6 [35.5-103.8]
Parent	12.3 [-13.6-38.3]
Son or daughter	11.3 [-12.6-35.2]
Next of kin	6.7 [-6.0-19.3]
Other relationship	0.0 [0.0-0.0]
Don't know/Refused	0.0 [0.0-0.0]
Unweighted N:	8

Source: Employee Survey A9a

Sample: Asked of all employees who took leave to care for a military service member in the past 18 months.

The Employee Survey also asked about unmet need to care for an injured military service member. There are only four cases. Exhibit DR7.1.4 reports the relationship of the military member to the employee with unmet need for leave, but given the small number of cases, we do not discuss the responses.

Exhibit DR7.1.4 Prevalence of leave needed but not taken to care for a military service member in the past 18 months

	% [95% CI]
Among all leave needed but not taken, percent for a military personnel's service-related health condition/injury	3.7 [-2.4-9.7]
Relationship of military personnel to employee respondent	
Spouse	44.6 [-44.4-133.6]
Parent	47.3 [29.7-64.9]
Son or daughter	0.0 [0.0-0.0]
Next of kin	0.0 [0.0-0.0]
Other relationship	8.1 [-70.4-86.6]
Don't know/Refused	0.0 [0.0-0.0]
Average time needed to care for military personnel	89.6 [70.4-108.7]
Unweighted N:	4

Source: Employee Survey B10, B10a

Sample: Asked of employees who needed but did not take leave to care for a military service member in the past 18 months

7.2 Leave for Paternity and Maternity Reasons

7.2.1 Worksite Offers of Paid Parental Leave

7.2.2 Employees' Take-Up and Need of Leave

Exhibit DR7.2.1 Rate of leave taking in the past 12 months for females and males, by demographic characteristics

	Leave takers Male Average / % [95% CI]	Leave takers Female Average / % [95% CI]
Age:		
18-33	10.4 [7.4-13.4]	16.2 [12.3-20.2]
34-49	12.5 [9.8-15.2]	15.5 [12.6-18.3]
50-82	12.8 [10.1-15.5]	15.6 [13.0-18.2]
Education:		
Less than High School Graduate and High School Graduate	12.6 [9.8-15.3]	15.9 [12.2-19.7]
Some College	14.3 [11.3-17.3]	15.4 [12.1-18.7]
College Graduate and Graduate School	8.4 [6.2-10.6]	15.6 [12.7-18.4]
Ethnicity:		
Hispanic	8.8 [3.3-14.2]	14.6 [9.7-19.4]
Non-Hispanic	12.2 [10.6-13.9]	15.8 [13.9-17.7]
Race:		
White	12.5 [10.6-14.3]	15.9 [13.7-18.0]
non-White	9.8 [6.8-12.8]	15.1 [11.3-18.9]
Marital status		
Married	12.8 [10.5-15.0]	16.0 [13.6-18.4]
Not married	10.5 [8.5-12.6]	15.4 [12.8-18.0]
Region		
Northeast	10.9 [8.0-13.7]	12.5 [8.8-16.3]
South	11.7 [9.2-14.3]	16.5 [13.8-19.3]
Mid-West	11.2 [8.3-14.1]	16.4 [11.9-20.9]
West	14.0 [8.4-19.6]	18.4 [13.4-23.4]
Children in HH		
0	9.5 [7.6-11.5]	12.6 [10.5-14.7]
1 or more	14.7 [11.7-17.7]	19.5 [16.7-22.4]

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	Leave takers Male Average / % [95% CI]	Leave takers Female Average / % [95% CI]
Income		
Less than \$35,000	12.4 [9.1-15.8]	18.1 [13.2-22.9]
\$35,000 to \$75,000	12.8 [10.3-15.4]	16.9 [13.8-20.1]
More than \$75,000	11.7 [8.8-14.5]	16.8 [13.5-20.0]
How paid		
Salaried	11.3 [8.3-14.4]	17.2 [14.0-20.4]
All others	12.4 [10.3-14.5]	15.0 [12.5-17.6]
Unweighted N:	1,262	1,589

Source: Employee Survey E9, S7, D1, D4, D4, D6, D7, D10, ZIP

Sample: Asked of all employees.

Exhibit DR7.2.2 Rate of unmet need for leave in the past 12 months for females and males, by demographic characteristics

	Unmet need for leave- Male Average / % [95% CI]	Unmet need for leave- Female Average / % [95% CI]
Age:		
18-33	3.4 [1.8-5.0]	5.7 [3.5-8.0]
34-49	4.3 [2.5-6.0]	8.7 [5.9-11.5]
50-82	2.7 [1.7-3.6]	5.3 [3.9-6.7]
Education:		
Less than High School Graduate and High School Graduate	3.2 [2.0-4.5]	6.4 [3.9-8.9]
Some College	4.4 [2.5-6.2]	8.9 [6.5-11.4]
College Graduate and Graduate School	2.9 [1.8-4.1]	4.3 [2.9-5.7]
Ethnicity:		
Hispanic	5.9 [2.0-9.8]	5.8 [2.7-8.9]
Non-Hispanic	3.0 [2.3-3.7]	6.6 [5.1-8.1]
Race:		
White	2.7 [1.9-3.4]	5.5 [4.2-6.7]
Non-White	5.2 [3.0-7.3]	9.8 [6.4-13.1]
Marital status		
Married	3.2 [2.1-4.2]	4.8 [3.4-6.1]
Not married	3.8 [2.3-5.3]	8.5 [6.4-10.6]
Region		
Northeast	4.2 [1.8-6.5]	4.2 [2.5-5.9]
South	4.1 [2.4-5.8]	8.1 [5.0-11.2]
Mid-West	2.6 [1.5-3.6]	7.0 [4.6-9.4]
West	3.7 [1.5-5.9]	6.3 [4.0-8.6]
Children in HH		
0	2.8 [1.8-3.9]	4.8 [3.6-6.0]
1 or more	4.2 [2.7-5.8]	8.7 [6.4-11.1]

	Unmet need for leave- Male Average / % [95% CI]	Unmet need for leave- Female Average / % [95% CI]
Income		
Less than \$35,000	5.2 [2.5-7.9]	11.6 [7.9-15.4]
\$35,000 to \$75,000	3.4 [2.0-4.7]	6.2 [3.8-8.5]
More than \$75,000	3.0 [1.8-4.1]	4.5 [3.1-5.9]
How paid		
Salaried	2.7 [1.6-3.8]	5.3 [3.8-6.7]
All others	3.8 [2.7-4.9]	7.0 [4.9-9.1]
Unweighted N:	1,262	1,589

Source: Employee Survey E9, S7, D1, D4, D4, D6, D7, D10, ZIP
 Sample: Asked of all employees.

7.3 Leave by Sexual Orientation

Under the terms of the Defense of Marriage Act (PL104-199, 110, Sta. 2419; enacted September 21, 1996), the FMLA does not apply to same sex couples, regardless of whether or not they are legally married under the laws of their state (unless serving in loco parentis for the same child). Nevertheless coverage of same sex partners for family and medical leave are of considerable recent policy interest. For example, in June 2010, DOL clarified the FMLA definition of “son and daughter” to include an employee standing “in loco parentis” to a child, regardless of the employee’s legal or biological relationship to the child. More recently, Senator Durbin (D-IL) sponsored the Family and Medical Leave Inclusion Act in June 2011 that would amend the FMLA to permit leave to care for additional family members with a serious health condition, including same-sex spouses and domestic partners (S.1283—112th Congress).

To address this interest, the Employee Survey asked about sexual orientation using the sexual identity question for the National Health Interview Survey.² Specifically, the survey asked the following question:

Do you think of yourself as:

- 1 [For men:] Gay? [For women:] Lesbian or gay?
- 2 [For men:] Straight, that is, not gay? [For women:] Straight, that is, not lesbian or gay?
- 3 Bisexual?
- 4 Something Else

² The sexual orientation question was developed and evaluated by the Office of Research and Methodology, National Center for Health Statistics (Miller and Ryan, 2011).

8 *Don't Know*

9 *Refused*

While this question has not usually been included in federally sponsored surveys (especially those which are not substantively health-related), this and other questions from the Employee Survey allow DOL to better understand the magnitude, needs, and experiences of same sex partners regarding family and medical leave from work.

Most respondents report being straight (92.4%); 0.7 percent report being lesbian or gay; 1.5 percent report being bisexual, and 0.8 percent report being “something else” (Exhibit DR7.3.1). Finally, 4.5 percent report not knowing or declining to answer. For our analysis, we define LGBT as lesbian or gay, bisexual, or something else. That is, we do not include “don’t know or refused” responses in the LGBT group.

Exhibit DR7.3.1. Sexual orientation of Employee Survey respondents

Sexual orientation	% [95% CI]	Unweighted N
Straight	92.4 [90.6-94.2]	2,647
LGBT:		
Lesbian or gay	0.7 [0.3-1.2]	30
Bisexual	1.5 [0.8-2.3]	36
Something else	0.8 [0.2-1.5]	14
Don't know/Refused	4.5 [3.3-5.7]	125

Source: Employee Survey D9
Sample: Asked of all employees.

These estimates for employees are roughly comparable to other estimates for all adults (see Gates, 2011). For example, the national 2008 General Social Survey estimated that 1.7 percent of adults self-identify as gay or lesbian and 1.1 percent self-identify as bisexual. These results are also similar to the California Health Interview Survey that found that 1.9 percent of adults self-identity as gay or lesbian and 1.2 percent as bisexual.

Turning from prevalence of LGBT to leave taking, Exhibit DR7.3.2 tabulates leave taking and unmet need for leave by sexual orientation. Results here should be interpreted with caution. Only about 3 percent of the Employee Survey respondents identify themselves as LGBT (Exhibit DR7.3.1). Thus, our sample includes only 29 LGBT leave takers and 13 LGBT employees who needed but did not take leave. Given the small numbers, we do not discuss results.

Exhibit DR7.3.2 Reasons for taking leave and needing to take leave in the past 18 months among LGBT and straight employees.

Medical reason for taking leave	Leave takers		Employees with unmet need for leave	
	LGBT % [95% CI]	Straight % [95% CI]	LGBT % [95% CI]	Straight % [95% CI]
Own illness	50.0 [19.0-80.9]	54.1 [50.2-58.1]	36.9 [-42.3-116.2]	47.5 [41.2-53.8]
Related to a new child	20.3 [-2.7-43.3]	23.9 [20.3-27.6]	51.2 [-51.6-153.9]	10.3 [5.8-14.8]
Parent's, Spouse's, or Child's health condition	28.2 [6.6-49.7]	20.5 [17.8-23.2]	0.8 [-1.4-3.1]	36.8 [30.7-42.8]
Other relative's health condition	8.6 [-5.1-22.2]	3.5 [2.0-4.9]	6.2 [-8.5-20.9]	5.4 [2.6-8.1]
Other non-relative's health condition	0.0 [0.0-0.0]	0.2 [-0.1-0.5]	0.0 [0.0-0.0]	1.2 [0.0-2.3]
Domestic partner's health condition	0.0 [0.0-0.0]	0.2 [-0.0-0.4]	0.0 [0.0-0.0]	0.7 [-0.2-1.5]
Address issue of military member's deployment	0.0 [0.0-0.0]	1.7 [0.5-2.9]	4.9 [-8.6-18.4]	0.4 [-0.4-1.2]
Other Reason	0.0 [0.0-0.0]	1.2 [0.3-2.2]	0.0 [0.0-0.0]	1.6 [-0.1-3.3]
Nature of health condition:				
A one-time health matter	22.2 [3.0-41.5]	44.6 [41.1-48.1]	33.7 [0.7-66.7]	30.9 [24.0-37.8]
Injury or illness that now requires routine scheduled care	1.0 [-1.0-3.0]	16.6 [13.3-20.0]	11.8 [-4.8-28.3]	18.2 [12.6-23.7]
Ongoing health condition	44.9 [9.7-80.2]	26.1 [22.4-29.7]	48.1 [13.3-82.8]	39.5 [32.0-47.1]
Other	31.8 [1.1-62.6]	17.3 [13.4-21.1]	10.3 [-4.4-25.1]	14.3 [9.8-18.7]
Don't know/Refused	0.0 [0.0-0.0]	1.4 [0.7-2.2]	0.0 [0.0-0.0]	1.5 [0.3-2.8]
Unweighted N:	29	1257	13	392

Source: Employee Survey A5, B6

Sample: Asked of all employees with any leave taken or needed in the past 18 months.

8. Employer Responses and Perceptions

8.1 Worksites' Perspective on How Work is Covered

8.2 Employee's Perspective on How Work is Covered

8.3 Worksites' Difficulties Related to Leave Taking

8.4 Perceptions of Misuse of the FMLA

Exhibit DR8.4.1 tabulates reasons that worksites suspect misuse. Given that suspicion of misuse is rare, estimates of the prevalence of reasons are imprecise. With that caveat, the most common reported reasons are past experience with the employee (44.9%), frequent leave with short or no advance notice (36.5%), used common excuses/doubted the reason (31.5%), and predictable patterns of leave (30.7%).

Exhibit DR8.4.1 Reasons for suspected misuse of FMLA at covered worksites

	Weighted by employees at worksite		Weighted by worksite	
	Covered worksites with 50/75 % [95% CI]	Covered worksites % [95% CI]	Covered worksites with 50/75 % [95% CI]	Covered worksites % [95% CI]
Percent of leaves that worksites have suspected FMLA leave misuse	8.2 [1.1-15.3]	7.7 [1.2-14.3]	2.9 [0.9-4.9]	2.5 [0.7-4.2]
Reason suspected of misuse:				
Predictable leave pattern	40.6 [17.0-64.2]	40.5 [17.1-63.9]	25.9 [12.5-39.3]	30.7 [9.4-52.0]
Used leave to cover tardiness	10.0 [3.7-16.4]	10.3 [3.9-16.7]	11.5 [3.8-19.3]	19.7 [-1.6-40.9]
Used common excuses/doubting the reason for leave	30.6 [9.5-51.6]	30.8 [9.8-51.7]	21.7 [10.1-33.2]	31.5 [9.5-53.6]
Doubting the validity of a certification	22.5 [6.8-38.1]	22.6 [7.0-38.2]	18.0 [7.8-28.2]	24.6 [3.5-45.8]
Frequent leave with short or no advance notice provided or intermittent leave in general	33.3 [12.1-54.5]	33.8 [12.6-55.0]	22.7 [9.6-35.8]	36.5 [12.9-60.0]
Past experience with employee	38.1 [14.9-61.3]	38.7 [15.4-61.9]	28.4 [13.8-42.9]	44.9 [21.0-68.8]
Some other reason not listed	12.9 [-0.4-26.2]	13.3 [-0.0-26.5]	8.6 [1.9-15.4]	14.8 [-0.2-29.9]
Don't know/Refused	52.6 [26.6-78.7]	52.1 [26.1-78.2]	56.4 [34.9-78.0]	43.4 [18.1-68.7]
Unweighted N:	115	118	115	118

Column may sum to >100% since respondent could select more than one category

Source: Worksite Survey Q41

Sample: Asked of all worksites who self-report that they are covered by the FMLA.

The previous paragraph focuses on suspected misuse. Exhibit DR8.4.2 tabulates disciplinary action taken in the case of confirmed misuse of FMLA leave. Given the small number of cases, we do not discuss the responses.

Exhibit DR8.4.2 Disciplinary action taken by covered worksites that have confirmed misuse of leave for a qualifying FMLA reason

	Weighted by employees at worksite		Weighted by worksite	
	50/75 worksites % [95% CI]	Covered worksites % [95% CI]	50/75 worksites % [95% CI]	Covered worksites % [95% CI]
Percent of covered firms that have confirmed misuse of leave for a qualifying FMLA reason	33.9 [16.6-51.2]	30.5 [14.9-46.1]	3.8 [1.3-6.3]	1.6 [0.7-2.4]
Disciplinary action taken by covered firms with confirmed misuse of leave for a qualifying FMLA reason:				
The absence counted against the employee on your point system	43.8 [7.0-80.6]	43.6 [6.9-80.4]	38.8 [21.8-55.8]	32.7 [17.1-48.4]
The employee given a verbal warning/disciplinary notice	19.5 [4.1-34.9]	19.5 [4.1-34.8]	33.3 [19.0-47.6]	28.0 [14.9-41.2]
The employee given a written warning/disciplinary notice	36.0 [6.6-65.5]	35.9 [6.6-65.2]	33.8 [19.4-48.3]	28.5 [15.2-41.9]
The employee suspended	6.0 [0.6-11.4]	6.0 [0.6-11.4]	11.4 [3.4-19.4]	9.6 [2.7-16.5]
The employee terminated	21.0 [5.1-36.8]	20.9 [5.1-36.7]	28.2 [14.4-42.0]	23.8 [11.1-36.4]
Other	21.1 [-3.3-45.4]	21.3 [-3.0-45.6]	26.4 [-0.4-53.3]	37.0 [10.9-63.0]
Unweighted N:	95	98	95	98

Source: Worksite Survey Q43

Sample: Asked of all worksites who self-report that they are covered by the FMLA.

8.5 Effects of the FMLA

9. Conclusion

9.1 Evidence from the 2012 Surveys

9.2 Directions for Future Study